

**MINUTES BOARD OF TRUSTEES MEETING
JUNE 12, 2012**

The Board of Trustees of the Village of Cold Spring held their regular monthly meeting on Tuesday, June 12, 2012 beginning at 7:30 p.m. at Village Hall, 85 Main Street, Cold Spring, NY.

Attending: Mayor Seth Gallagher, and Trustees Bruce Campbell, Matt Francisco, J. Ralph Falloon and Charles Hustis

Also: Stephen Gaba, Village Attorney and William Bujarski, Building Inspector

Absent: Ellen Mageean, Village Accountant

PROCLAMATION

Mayor Gallagher read a proclamation honoring Joseph Immorlica for his thirty-five years of service on the Village Planning Board.

APPROVAL OF MINUTES

Trustee Hustis moved to approve minutes of the following meetings: May 10, May 15, May 22, May 29, and June 5, 2012. Motion seconded by Trustee Francisco and unanimously approved.

FINANCIAL REPORT

In the absence of the Village Accountant, Mayor Gallagher read the monthly financial activity report. It was pointed out that the statements presented at this meeting do not represent year-end numbers. Proceeds from the Bond Anticipation Note in the amount of \$1,151,058 have been deposited in the Water Fund. A separate fund will be set up to track expenses related to the Water Main Relining project.

WATER REPORT

The tentative schedule for the Water Main Relining project sets Monday, July 9th as the start date with October 9th as a target date for substantial completion. The cleaning and relining will begin on Fishkill Road working toward the Main Street and ending at the railroad tracks. The Annual Water Quality Report has been mailed to residents and property owners for the year 2011.

WASTEWATER REPORT

Fuss & O'Neill will be providing an updated report on the replacement of the Aeration System.

Bart Clark, P.E. has forwarded draft contract documents to Attorney Gaba regarding the replacement of the Market Street pump station.

With the assistance of Trustee Falloon, the department is testing a sludge-bagging unit in an effort to improve efficiency and reduce costs.

CODE ENFORCEMENT

Mr. Bujarski reported increased activity with complaints on the rise.

POLICE DEPARTMENT

Officer-in-Charge Kane reported that the department will be adding a bike patrol in addition to routine patrol units. The bike patrol will be deployed when manpower is available and used on busy weekends. The purpose of this unit is to increase visibility, promote community policing, deter crime and allow officers to patrol less accessible areas of the village.

JUSTICE COURT

The Justice Court collected \$12,957 during the month of May 2012.

ADDITIONAL MONTHLY REPORTS

Recreation Commission- All requests for use of park facilities, previously approved by the Recreation Commission, were unanimously approved by the Village Board.

Community Day will occur on 7/4 with a rain date of 9/01/2012.

Planning Board Liaison – Planning Board will hold a workshop with Elmesco/ Dunkin Donuts once the engineer has completed his analysis of the materials submitted.

Final approval has been granted for the West Point Foundry Preserve application.

The Planning Board will be crafting a report to the Village Board on the Butterfield site.

Zoning Board Liaison- A public hearing was held on the application of S. Peehl and Andrew Hall. No decisions were made.

The Town of Philipstown Liaison- The town will be holding a meeting tomorrow night about communications.

Special Board for the Comprehensive Plan/LWRP

The Special Board hopes that a Village Board workshop can be scheduled in the near future to discuss projects to be included in the LWRP. An understanding of board views is important to guide the work of volunteers and keep it on track.

Chamber of Commerce Liaison- L. Pataki of the Putnam County Tourism office will attend a board workshop on July 24th.

APPOINTMENT

Mayor Gallagher appointed Trustee Francisco as Liaison to the Historic District Review Board. Trustee Hustis moved to approve this appointment and seconded by Trustee Campbell and unanimously approved.

CORRESPONDENCE

The New York Department of Environmental Protection announced the availability of the Final Environmental Impact Statement for the Delaware Aqueduct Rondout-West Branch Tunnel Repair.

REPORT OF THE MAYOR AND BOARD OF TRUSTEES

Trustee Campbell spoke about plans for improvements at Mayor's Park and the purchase of dock safety items. Proposed electrical improvements at the bandstand would allow

installation of flood lighting for emergency purposes and access to electrical power for docking vessels.

Trustee Hustis spoke about beginning discussions on the recommendations in the Comprehensive Plan and updating the Village Zoning Code. He sought Attorney Gaba's advice on the process.

Attorney Gaba recommended identifying items the board would like to change and to focus efforts prior to bringing in consultants. Focus or working groups could assist with identifying these items. Mayor Gallagher recommended that board members begin a review and determine ten board priorities. Trustee Campbell suggested that the board could begin with review of Special Board projects and this discussion could lead to determining items for code changes. Michael Armstrong commented that a portion of zoning changes could be funded by the LWRP Grant and this could be done with GreenPlan which would save the village money and retain focus. He also pointed out that the Local Waterfront Revitalization Plan must be consistent with the Comprehensive Plan and the zoning code. Armstrong added that it makes sense to do in tandem and to keep in mind the activities on the LWRP as well as the zoning.

Mayor Gallagher reported on the replacement of the dock railing. Installation of new handrails should begin within the next two weeks and it is anticipated that completion will occur within a month.

Mayor Gallagher reported that Senator Schumer has expressed support for creating a connection between Cold Spring, Breakneck Ridge and Beacon with a goal of pedestrian safety and getting pedestrians off of Route 9D.

NEW BUSINESS

Mayor recommended hiring Jeffrey Phillips as a Summer Laborer for the Highway Department. Trustee Hustis moved to approve this appointment and seconded by Trustee Campbell and unanimously approved.

Attorney Gaba discussed a proposed zoning amendment. The issue of appropriate uses for the B-4 district considered along with the need for the post office gives rise to the proposed zoning amendment. This law would add a use, subject to site plan approval, for municipal and other government uses, including privately owned facilities leased to a municipal or government entity, such as a United States post office. Added to Section 134-15 would be mixed uses, consisting of two or more uses permitted or specially permitted in the district. This would be subject to site plan approval and a special use permit.

Resolution No.23- 12

WHEREAS, the Village Board of Trustees of the Village of Cold Spring is considering a proposed local law pertaining to Village Code Section §134-15, "Regulations

For B-4 Designated Medical And Health Care Facility District," a copy of which is annexed hereto, and

WHEREAS, under Village Code §134-32, the proposed local law amending the Zoning Code must be referred to the Planning Board for review and a report,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the proposed local law is hereby submitted to the Village Planning Board for review and a report; and

2. That the Village Clerk shall provide the Planning Board with a copy of the proposed local law and this resolution, along with a memo requesting the Planning Board to review the proposed local law and to provide the Village Board with a report thereon within thirty (30) days.

Trustee Campbell presented the foregoing resolution which was seconded by Trustee J. Ralph Falloon, The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting YES

Bruce D. Campbell, Trustee, voting YES

J. Ralph Falloon, Trustee, voting YES

Matt Francisco, Trustee, voting YES

Seth J. Gallagher, Mayor, voting YES

Resolution officially adopted on June 12, 2012 by a vote of 5-0.

Mary Saari, Village Clerk

VILLAGE OF COLD SPRING LOCAL LAW NO. OF 2012

A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 134 BY AMENDING VILLAGE CODE SECTION §134-15, "REGULATIONS FOR B-4 DESIGNATED MEDICAL AND HEALTH CARE FACILITY DISTRICT."

SECTION 1. PURPOSE

The purpose of this Local Law is to include the use of "Municipal and other government uses" as a permitted use with the B-4 District and "Mixed uses" as a specially permitted use therein.

SECTION 2. AMENDMENT OF CODE.

Subsection "B" of Village Code Section 134-15 of the Village Code is hereby amended to add the following:

"(5) Municipal and other government uses, including privately owned facilities leased to a municipal or government entity, such as a United States post office."

Subsection "C" of Village Code Section 134-15 of the Village Code is hereby amended to add the following:

"(2) Mixed uses, consisting of two or more uses permitted or specially permitted in the District."

SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE

This local law will take effect immediately upon filing in the Office of the Secretary of State in Albany.

Set Fees for Audiotapes

After brief discussion, Trustee Francisco moved to set a fee of \$5.00 for an audiotape of the village board meetings and seconded by Mayor Gallagher. Trustees Campbell, Francisco, and Mayor Gallagher voted in favor with Trustees Falloon and Hustis opposed. Motion carried by a vote of 3-2.

APPROVAL OF BILLS

Trustee Hustis moved to pay the audited bills and seconded by Trustee Campbell and unanimously approved.

PUBLIC COMMENT

On behalf of the Cold Spring Film Society, Stephanie Hawkins thanked the board for their support of the Summer Film Series.

Michael Bowman of 156 Main Street read his letter to the Village Board requesting that any budgetary actions taken on April 24, 2012 (Mayor's salary increase) be null and void. Additionally, he stated that the Village of Cold Spring Code of Ethics was clearly violated as the Village Budget Officer manipulated taxpayer funds for his own financial gain. Bowman asked the Board of Ethics to investigate the actions of the Village Board and Budget Officer and that the board look into Municipal Ethics review courses offered by the New York State.

Frank Haggerty, Main Street resident, suggested looking at sidewalk improvements on either side of the subway, coming up hill and crossing Lunn Terrace. He also suggested looking at drainage in this area. Lastly, he added that he doesn't think the mayor is overpaid.

Airinhos Serradas pointed out that the public restrooms are in a state of disrepair. He asked what has been done with regards to gathering information to put out an RFP to evaluate the merits of outside companies coming in for garbage or recycling collection. He asked where the new railings were being set as the current placement is subject to tearing and damage from vessels. Eight tires have fallen into the water from the dock and he asked what the board intends to do about this. Mr. Serradas has prepared a letter to the NYSDEC about this matter.

Gordon Robertson of 220 Main Street commended the village for mentoring the Farmers' Market which has thrived and grown. He asked if we should now pass this mentoring on to the Town of Philipstown as it has been more than a year since the market has been located outside the village boundaries.

James Hartford of 5 Furnace Street reported on a successful Hudson River Cleanup Sweep despite inclement weather. In the future, he hopes more village residents will participate.

Stephanie Hawkins thanked the board for new tree plantings and asked when additional trees will be planted.

Liz Armstrong requested clarification from Attorney Gaba on the proposed local law and whether a special use permit would be necessary for mixed uses. He confirmed that this was correct.

Mayor Gallagher commented on the Mayor's salary increase stating that this was done as open as possible. He cited minutes of several meetings, dating a year before he sought reelection, mentioning this issue. Mayor Gallagher asked for an increase of \$5,000 and requested that the board address this matter. A stipend for Budget Officer, in the amount of \$2,500, was added and the board stated that they would take up the additional amount in the following year. The mayor then received \$12,500 per year. As of June 1st and going forward, the compensation will be \$15,000. He does not receive health insurance but is on village plan, paying \$18,000 out of pocket for a family plan. This issue came up before he was mayor and a lot of thought has gone into it over time. He receives no reimbursement for cell phone services or for gasoline. The board had a public hearing on the budget and this issue was raised. It was stated that the board was not going to act on this but would take up these issues at the following meeting. At the public hearing, Mr. Bowman spoke against the mayor's salary increase, so he had a chance to comment. The budget can be adjusted and this can be done after the public hearing.

Trustee Falloon asked Attorney Gaba if there were any unethical or illegal actions that should be addressed. Mr. Gaba offered that upon a first time through and he didn't see any procedural problems but would investigate further if the board would like him to. He did not see any ethical issues.

Trustee Francisco sees this as a prior verbal contract. He understands this as a reevaluation of the compensation level, to see if the compensation level was correct. He sees this as a pay grade compensation change that has gone on for at least four years. The difference between the trustees and the mayor's compensation is not great enough. The commitment of the mayor is much greater than a trustee. It is a serious time commitment.

Trustee Campbell keeps track of outstanding items for the year and brings them up at budget time. The additional increase for the mayor's salary was one of those outstanding items. The mayor's added duties and time requires something. In the past, Gordon Robertson recommended cutting trustee salaries to compensate for the mayor's increase. He would support the increase regardless of who the mayor was. He has researched salaries for Mayors in the Hudson Valley, communities comparable to Cold Spring.

Charles Hustis proposed the \$2,500 raise in the mayor's salary and stepped out and made his own decision. No one forced him. He has been attacked by the press, by people on the street and found out that \$2,500 meant a lot to people. He turned around and signed the online petition. On Facebook, he has been called a hypocrite because he signed the online petition.

Trustee Francisco stated that he is all for the process and it is a great right which comes with responsibilities. When you run risk of undermining public trust to promote your own

interests, it crosses the line. To present this as back room dealing is grossly inaccurate and highly inflammatory.

Mayor Gallagher moved to enter into closed session to see confidential legal advice and seconded by Trustee Francisco. Mayor Gallagher, Trustees Francisco, and Campbell voted in favor. Trustees Falloon and Hustis voted no. Motion carried by a vote of 3-2.

Respectfully submitted,

Mary Saari, Village Clerk